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GOVERNMENT GAZETTE

BOLETIM OFICIAL

GOVERNMENT OF GOA, DAMAN AND DIU

Secretariat

ORDER

PDD/EDN/1622/65

In exercise of the powers conferred by para 2 of the Goa, Daman and Diu Removal of Difficulties Order 1962, and all other powers enabling me in that behalf, the Lieutenant Governor hereby directs that the Legislative Diploma (Diploma Legislativo) no. 1887 dated 30th April 1959, published in the Gazette no. 18, Series I, dated 30th April 1959, be modified as follows:—

I—Article 11: The Physical Education Board will be constituted as follows:—

- 1) Minister for Education — President.
- 2) Education Secretary or Development Commissioner — Vice-President.

Other members:

- 3) One representative of the Goa Football Association — Member.
- 4) One representative of the Goa, Daman and Diu Schools Sports Association — Member.
- 5) One representative of Goa, Daman and Diu Volleyball Association (when founded) — Member.
- 6) One representative of Goa, Daman and Diu Badminton Association — Member.
- 7) One representative of the Goa, Daman and Diu Table Tennis Association (when founded) — Member.
- 8) One representative of other games Associations (when founded) — Member.
- 9-10) Two persons to be nominated by Lieutenant Governor to represent the recognised sports clubs — Members.
- 11) One Physical Education teacher or National Discipline Scheme Supervisor, Liaison Officer or Asstt. Liaison Officer for National

Physical Efficiency Drive appointed by Lieutenant Governor on the recommendation of the Director of Education — Member.

- 12) One member to represent the Legislative Assembly of Goa, Daman and Diu — Member.

- 13-18) Persons not exceeding six in number to be nominated by Lieutenant Governor from those who are vitally interested in the promotion of sports — Members.

Ex-officio members:

- 19) The Director of Education — Member.
- 20) Inspector of Schools to be appointed by Lieutenant Governor on the recommendation of the Director of Education — Member.

§ 1st: Members mentioned in 3), 4), 5), 6), 7) and 8) shall be nominated on the recommendation of the managing committee of the respective Associations.

§ 2nd: The nominated members shall hold office for a period of three years from the date of nomination and will be eligible for re-nomination.

§ 3rd: The secretary shall be the drawing and disbursing officer in respect of the expenditure of the Board and for travelling allowances bills of the non-official Members.

§ 4th: In the absence of both, president and vice-president, the Director of Education shall preside over the meetings, and if he is also absent the Board shall elect amongst themselves a Chairman who will preside over the meeting and exercise all the functions and powers of the president.

§ 5th: Non-official members shall be treated as Grade I officers for the purpose of T. A., D. A., and other allowances.

§ 6th: Any vacancy arising before the expiry of the term shall be filled for the remainder of the term by a person nominated by Lieutenant Governor.

§ 7th: 1) The Board may constitute such standing or ad-hoc committees or sub-committees as it may deem fit to promote any of its activities.

2) These committees shall be free to co-opt members from among State Associations/Organisations to assist them in their audits.

Art. 12: The Board shall appoint ministerial staff as may be considered necessary and pay them from the funds at its disposal.

II a) All references to «Mocidade Portuguesa», «Mocidade Portuguesa Feminina» and «Comissariado Nacional da Mocidade Portuguesa», are deleted and the powers vested in article 6th, paragraph 1 is given to the Goa, Daman and Diu Schools Sports Association.

b) The § 2nd of the art. 6th is deleted.

c) References made to «Instituto Nacional de Educação Física» will be considered as made to «The National Institute of Sports — Patiala».

The sub-rule h) of the para unique of the art. 31 as well as the sub-rule 4) of para 1 of the art. 33 wherein declaration is demanded, are deleted.

d) Wherever references are made to «este Estado» and «Metropole» those words will be replaced by «this Union Territory», «other States» or «Union Territories», as the case may be.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

A. F. Couto, Development Commissioner.
Panjim, 25th June, 1965.

Planning and Development Department

ORDER

HS/SO/65

In exercise of the powers conferred by and under the Diploma Legislativo no. 1959 dated 28th December, 1959 and all other powers enabling him in that behalf the Lieutenant Governor hereby directs that the Order dated 29th May, 1964, published in the Government Gazette no. 23, Series I, dated 4th June 1964 be modified as follows:

Clause 3: Purpose of loan (1): — A loan may be granted only: — for the purpose of effecting improvements in an existing house; for construction of a house of not more than two tenements of which at least one tenement shall be for bonafide personal use and occupation as a residence by the applicant and all or any of the members of his family and for no other purpose.

(2) If a tenement is leased or rented by the loanee, the quantum of rent to be realised from the tenant or sub-tenant by the landlord will be fixed with the previous approval of the President, Junta de Comercio Externo.

By order and in the name of the Administrator of the Goa, Daman and Diu.

A. F. Couto, Development Commissioner.
Panjim, 8th June, 1965.

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/2541/65

In exercise of the powers conferred on him by rule 117 of the Rules of Procedure and conduct of Business of the Legislative Assembly of Goa, Daman and Diu, the Speaker has ordered publication of the following Bill for general information.

The Goa, Daman and Diu State-Aid to Industries Bill, 1965

(Bill No. 10 of 1965)

A Bill to regulate grant of loans to Small Scale and Cottage Industries in the Union Territory of Goa, Daman and Diu, and for purposes connected therewith.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu, in the Sixteenth Year of the Republic of India, as follows: —

1. **Short title, extent and commencement.** — (1) This Act may be called the Goa, Daman and Diu State-aid to Industries Act, 1965.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the State Government may by notification in the *Official Gazette* appoint, and different dates may be appointed for different areas.

2. **Definitions.** — In this Act, unless the context requires otherwise —

(a) «borrower» means a person who has received a loan under this Act, and which has not been repaid in full in accordance with section 5.

(b) «cottage industry» means an industry specified as such by rules made by the State Government, regard being had in particular to the fact that such industry is carried on by an artisan in or near his home, and the capital of which does not exceed Rs. 25,000/- (or such other sum as the State Government may from time to time in such rules denote);

(c) «industry» means the manufacture, preservation or processing of goods, or any handicrafts, or industrial business or enterprise, carried on by any person;

(d) «loan» means a loan granted under this Act.

(e) «prescribed» means prescribed by rules under this Act;

(f) «small scale industry» means any industry specified as such by rules made by the State Government (regard being had to the nature of the undertaking and the number of persons employed therein), the capital assets of which (including investment in the form of land, building machinery and equipment), do not exceed the value of five lakhs rupees;

(g) «State Government» means the Administrator appointed under Article 239 of the Constitution.

3. **Power of State Government to grant loans to village and small scale industries.** — For the purpose of encouraging the economic development of the Union Territory in general, subject to such rules as may be made under section 7, loans may be granted under this Act, by such officers of the State Government as the State Government may empower in this behalf, to small scale and cottage industries.

4. **Applications for loans.** — (1) Any person desiring to obtain a loan under section 3 for any cottage industry or small scale industry, shall make an application addressed to the officer empowered under that section in such form and containing such particulars, as may be prescribed.

(2) The officer, on receiving an application under sub-section (1) may, after making such inquiries as he thinks fit, but subject to any rules made under section 7, grant the loan applied for.

5. Repayment of Loans. — Every loan shall be repayable by instalments (in the form of annuity or otherwise) together with interest (including penal interest), if any, at such rate or rates and within such period from the date of actual advance of the loan, as may, from time to time, be prescribed by rules made under section 7;

Provided that nothing in this section shall prevent the borrower from repaying all or any of the instalments of the loan at any time earlier than the due date.

6. Modes of recovery of loans. — (1) Subject to any rules made under section 7, all loans, all interest (including any penal interest) chargeable thereon and costs incurred in making or recovering the same, shall be recoverable when they become due, by the Collector, or such other officer as the State Government may authorise in this behalf, on receipt of the intimation from the authority sanctioning the loan, in one or more of the following modes, namely:

- (a) from the borrower — as if they were arrears of land revenue due by him;
- (b) from his surety, if any — as if they were arrears of land revenue due by him;
- (c) out of the assets created out of the amount of loan advanced — according to the procedure for realisation of land revenue by the sale of such assets;
- (d) out of the property comprised in the collateral security (if any) — according to the procedure for the realisation of land revenue by the sale of such property.

(2) Where any sum due on account of any such loan, interest or costs is paid to the Collector or any other officer referred to in (6) (1) by a surety or an owner of property comprised in any collateral security, or is recovered under sub-section (1) by the Collector from a surety or out of any such property, the Collector shall, on the application of the surety or the owner of that property as the case may be, recover that sum on his behalf from the borrower, or out of the assets of the industry for the benefit of which the loan was granted in the manner provided by sub-section (1).

7. Power to make rules. — (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for —

- (a) the manner of making applications for loan, the form of the application and particulars of the form under sub-section (1) and the manner of conducting inquiries relating to such applications under sub-section (2) of section 4;
- (b) the nature and extent of security to be taken for the due application and repayment of money, the rate of interest at which and the conditions under which, loans may be granted, and the manner and time granting loans;
- (c) inspection of works for which loans are granted;

- (d) the instalment by which and the mode in which the loans, the rates of interest (including any penal interest), if any, to be charged on loans and the cost incurred in the making thereof, shall be paid, under section 5;
- (e) the manner of keeping and auditing the accounts of the expenditure of loans, and of the payment made in respect of the same;
- (f) the valuation of securities;
- (g) the insurance of property mortgaged for securing the loans;
- (h) the form of agreement, deed and mortgage deed in respect of the property offered as security for the loan; and
- (i) all other matters pertaining to the working of this Act.

(3) All rules made under this section shall be subject to the condition of previous publication.

(4) All rules made under this section shall be published in the Official Gazette and shall be laid for not less than thirty days before the Legislative Assembly as soon as may be after they are made and shall be subject to such modification as the Assembly may make, during the session in which they are so laid or the session immediately following.

Memorandum Regarding Delegated Registration

Clause 7 of the Bill empowers the State Government to make rules and regulations to carry out the purposes of this Act. These powers are of a normal nature so as to facilitate the implementation of the Act within its framework.

Financial Memorandum

Provision of Rs. 12 lakhs has been made under Demand No. 47 (para IV, Pg. 312) of the annual budget for 1965-66 approved by the Legislature, for grant of loans to various small scale industries, loans under Rural Industries Project, loans to industrial cooperatives etc.

Statement of Objects and Reasons

The object of the Bill is to regulate grant of loans to small scale and cottage industries so as to encourage their rapid development in this territory.

The Administrator has recommended the introduction and consideration of the Bill under Section 23 of the Union Territories Act 1963.

Panjim
June 23, 1965.

TONY FERNANDES
Minister for Law, Industries and Agriculture

ASSEMBLY HALL, P. B. VENKATASUBRAMANIAN
Panjim,
July 3, 1965. Secretary to the Legislative Assembly of Goa, Daman and Diu

LA/2542/65

In exercise of the powers conferred on him by rule 117 of the Rules of Procedure and conduct of Business of the Legislative Assembly of Goa, Daman and Diu, the Speaker has ordered publication of the following Bill for general information.

The Goa, Daman and Diu Suits Valuation Bill, 1965

(Bill No. 11 of 1965)

A Bill to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of courts with respect thereto.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Sixteenth year of the Republic of India as follows:

1. Short title, extent and commencement. — (1) This Act may be called the Goa, Daman and Diu Suits Valuation Act, 1965.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be notified for different provisions of the Act and for different areas.

2. Definitions. — In this Act, unless the context otherwise requires, —

(a) «Court Fees Act» means the Court Fees Act, 1870 as extended to the Union Territory of Goa, Daman and Diu;

(b) «High Court» means the Court of the Judicial Commissioner constituted under the Goa, Daman and Diu (Judicial Commissioner's Court) Regulation, 1963 (No. 10 of 1963;)

(c) «State Government» means the Administrator appointed under Article 239 of the Constitution.

3. Power of State Government to make rules determining the value of land for jurisdictional purposes. —

(1) The State Government may, in consultation with the High Court, make rules for determining the value of land for purposes of jurisdiction in the suits mentioned in the Court Fees Act, section 7, paragraphs V and VI, and paragraph X, clause (d).

(2) The rules may determine the value of any class of land, or of any interest in land, in the whole or any part of a local area, and may prescribe different values for different places within the same local area:

Provided that such rules shall provide that the value of land for the purposes of jurisdiction shall in no case be less than the value as determinable for the computation of court-fees.

(3) A rule made under this section shall not take effect till the expiration of one month after it has been published in the Official Gazette.

4. Valuation of relief in certain suits relating to land not to exceed the value of the land. — Where a suit mentioned in the Court Fees Act, section 7, paragraph IV, or Schedule II, article 17, relates to land or an interest in land of which the value has been determined by rules made under the last foregoing section, the amount at which for purposes of jurisdiction the relief sought in the suit is valued shall not exceed the value of the land or interest as determined by those rules.

5. Court-fee value and jurisdictional value to be the same in certain suits. — Where in suits other than those referred to in the Court Fees Act, section 7, paragraphs V, VI and IX, and paragraph X, clause (d), court-fees are payable *ad valorem* under

the Courts Fees Act, the value as determinable for the computation of court-fees and the value for purposes of jurisdiction shall be the same.

6. Determination of value of certain suits by High Court. — When the subject-matter of suits of any class, other than suits mentioned in the Court Fees Act, section 7, paragraphs V and VI and paragraph X, clause (d), is such that in the opinion of the High Court it does not admit of being satisfactorily valued, the High Court may, with the previous sanction of the State Government, direct that suits of that class shall, for the purposes of the Court Fees Act, and of this Act and any other enactment for the time being in force, be treated as if their subject-matter were of such value as the High Court thinks fit to specify in this behalf.

7. Objections to jurisdiction on ground of erroneous valuation. — (1) Notwithstanding anything in section 99 of the Code of Civil Procedure, an objection that by reason of the over-valuation or under-valuation of a suit or appeal a Court of first instance or lower Appellate Court which had not jurisdiction with respect to the suit or appeal exercised jurisdiction with respect thereto shall not be entertained by an Appellate Court unless —

(a) the objection was taken in the Court of first instance at or before the hearing at which issues were first framed and recorded, or in the lower Appellate Court in the memorandum of appeal to that Court, or

(b) the Appellate Court is satisfied, for reasons to be recorded by it in writing, that the suit or appeal was over-valued or under-valued and that the over-valuation or under-valuation thereof has prejudicially affected the disposal of the suit or appeal on its merits:

Provided that in a suit for accounts the value for purposes of jurisdiction as determined by the Court at any stage of the trial shall be final and conclusive and shall not be liable to be contested in appeal or revision.

(2) If the objection was taken in the manner mentioned in clause (a) of sub-section (1), but the Appellate Court is not satisfied as to both the matters mentioned in clause (b) of that sub-section and has before it the materials necessary for the determination of the other grounds of appeal to itself, it shall dispose of the appeal as if there had been no defect of jurisdiction in the Court of first instance of lower Appellate Court.

(3) If the objection was taken in that manner and the Appellate Court is satisfied as to both those matters and has not those materials before it, it shall proceed to deal with the appeal under the rules applicable to the court with respect to the hearing of appeals; but if it remands the suit or appeal, or frames and refers issues for trial, or requires additional evidence to be taken, it shall direct its order to a Court competent to entertain the suit or appeal.

(4) The provisions of this section with respect to an Appellate Court shall, so far as they can be made applicable, apply to a Court exercising revisional jurisdiction under section 115 of the Code of Civil Procedure or other enactment for the time being in force.

8. Saving of pending proceedings. — Nothing in this Act shall be construed to affect the jurisdiction of any Court —

- (a) with respect to any suit instituted before rules framed under section 3 applicable to the valuation of the suit take effect, or any other section of the Act comes into force, as the case may be, or
- (b) with respect to any appeal arising out of any such suit.

9. Repeal. — As from the commencement of this Act, any law in force in the Union Territory of Goa, Daman and Diu or any part thereof, corresponding to this Act or such provisions thereof as have come into force shall stand repealed.

10. Power to remove difficulties. — If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, as occasion requires, do anything (not inconsistent with this Act) which appears to it to be necessary for removing the difficulty.

Memorandum of Delegated Legislation

Clause 3 of the Bill empowers the State Government to frame rules for determining the value of land for the purposes of jurisdiction in certain classes of suits. It is proposed that in making such rules the State Government shall consult the High Court and the rules shall not come into effect till one month after they have been published in the Gazette.

The proposed delegation is of a normal character.

Statements of Objects and Reasons

The Court Fees Act of 1870 has been extended to this territory and legislation for the extension of the

Civil Procedure Code to Goa, Daman and Diu is also likely to be introduced in Parliament shortly. Although the Court Fees Act has been brought into force, the Suits Valuation Act which is a complementary enactment has not been extended to this Union Territory. It is, therefore, proposed to extend the Suits Valuation Act, 1887 to this Territory. In extending it we have sought to benefit by the experience of other States in working the said enactment and have introduced one or two amendments which have already been brought into force in other parts of India.

The Bill seeks to give effect to these objects.

Secretariat,

Panjim, June 23, 1965.

TONY FERNANDES

Minister for Law

ASSEMBLY HALL,
Panjim,
July 3, 1965.

P. B. VENKATASUBRAMANIAN
Secretary to the Legislative Assembly
of Goa, Daman and Diu

Law Department

Corrigendum

L. D. 256/65

In the order of Law Department no. L. D. 251/65 dated 18-6-65 published in the Government Gazette no. 13, Series I, dated 24th June, 1965, for the figures «13-9-1965» substitute the figures «13-9-1956».

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. B. Venkatasubramanian, Law Secretary.

Panjim, 26th June, 1965.